

Calendar No. 407

106TH CONGRESS
1ST SESSION

S. 964

[Report No. 106-217]

A BILL

To provide for equitable compensation for the
Cheyenne River Sioux Tribe, and for other pur-
poses.

NOVEMBER 8, 1999

Reported with an amendment

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To provide for equitable compensation for the Cheyenne River Sioux Tribe,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 5, 1999

Mr. DASCHLE (for himself and Mr. BINGAMAN) introduced the following bill;
which was read twice and referred to the Committee on Indian Affairs

NOVEMBER 8, 1999

Reported by Mr. CAMPBELL, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]**A BILL**

To provide for equitable compensation for the Cheyenne
River Sioux Tribe, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Cheyenne River Sioux
5 Tribe Equitable Compensation Act”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) by enacting the Act of December 22, 1944,
4 (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et
5 seq.), commonly known as the “Flood Control Act of
6 1944”, Congress approved the Pick-Sloan Missouri
7 River Basin program (referred to in this section as
8 the “Pick-Sloan program”)—

9 (A) to promote the general economic devel-
10 opment of the United States;

11 (B) to provide for irrigation above Sioux
12 City, Iowa;

13 (C) to protect urban and rural areas from
14 devastating floods of the Missouri River; and

15 (D) for other purposes;

16 (2) the Oahe Dam and Reservoir project—

17 (A) is a major component of the Pick-
18 Sloan program, and contributes to the economy
19 of the United States by generating a substan-
20 tial amount of hydropower and impounding a
21 substantial quantity of water;

22 (B) overlies the eastern boundary of the
23 Cheyenne River Sioux Indian Reservation; and

24 (C) has not only contributed little to the
25 economy of the Tribe, but has severely damaged
26 the economy of the Tribe and members of the

1 Tribe by inundating the fertile, wooded bottom
2 lands of the Tribe along the Missouri River that
3 constituted the most productive agricultural
4 and pastoral lands of the Tribe and the home-
5 land of the members of the Tribe;

6 ~~(3)~~ the Secretary of the Interior appointed a
7 Joint Tribal Advisory Committee that examined the
8 Oahe Dam and Reservoir project and correctly con-
9 cluded that—

10 (A) the Federal Government did not jus-
11 tify, or fairly compensate the Tribe for, the
12 Oahe Dam and Reservoir project when the Fed-
13 eral Government acquired 104,492 acres of land
14 of the Tribe for that project; and

15 (B) the Tribe should be adequately com-
16 pensated for the land acquisition described in
17 subparagraph (A);

18 ~~(4)~~ after applying the same method of analysis
19 as is used for the compensation of similarly situated
20 Indian tribes, the Comptroller General of the United
21 States (referred to in this Act as the “Comptroller
22 General”) determined that the appropriate amount
23 of compensation to pay the Tribe for the land acqui-
24 sition described in paragraph ~~(3)~~(A) would be
25 \$290,722,958;

1 ~~(5)~~ the Tribe is entitled to receive additional fi-
 2 nancial compensation for the land acquisition de-
 3 scribed in paragraph ~~(3)~~(A) in a manner consistent
 4 with the determination of the Comptroller General
 5 described in paragraph (4); and

6 ~~(6)~~ the establishment of a trust fund to make
 7 amounts available to the Tribe under this Act is con-
 8 sistent with the principles of self-governance and
 9 self-determination.

10 (b) PURPOSES.—The purposes of this Act are as fol-
 11 lows:

12 ~~(1)~~ To provide for additional financial com-
 13 pensation to the Tribe for the acquisition by the
 14 Federal Government of 104,492 acres of land of the
 15 Tribe for the Oahe Dam and Reservoir project in a
 16 manner consistent with the determinations of the
 17 Comptroller General described in subsection (a)(4).

18 ~~(2)~~ To provide for the establishment of the
 19 Cheyenne River Sioux Tribal Recovery Fund; to be
 20 managed by the Secretary of the Treasury in order
 21 to make payments to the Tribe to carry out projects
 22 under a plan prepared by the Tribe.

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

1 (1) **TRIBE.**—The term “Tribe” means the
 2 Cheyenne River Sioux Tribe, which is comprised of
 3 the Itazipco, Siha Sapa, Minniconjou, and
 4 Oohenumpa bands of the Great Sioux Nation that
 5 reside on the Cheyenne Reservation, located in cen-
 6 tral South Dakota.

7 (2) **TRIBAL COUNCIL.**—The term “Tribal Coun-
 8 cil” means the governing body of the Tribe.

9 **SEC. 4. CHEYENNE RIVER SIOUX TRIBAL RECOVERY TRUST**
 10 **FUND.**

11 (a) **CHEYENNE RIVER SIOUX TRIBAL RECOVERY**
 12 **TRUST FUND.**—There is established in the Treasury of
 13 the United States a fund to be known as the “Cheyenne
 14 River Sioux Tribal Recovery Trust Fund” (referred to in
 15 this Act as the “Fund”). The Fund shall consist of any
 16 amounts deposited into the Fund under this Act.

17 (b) **FUNDING.**—Out of any money in the Treasury
 18 not otherwise appropriated, the Secretary of the Treasury
 19 shall deposit \$290,722,958 into the Fund not later than
 20 60 days after the date of enactment of this Act.

21 (c) **INVESTMENT OF TRUST FUND.**—It shall be the
 22 duty of the Secretary of the Treasury to invest such por-
 23 tion of the Fund as is not, in the Secretary of Treasury’s
 24 judgment, required to meet current withdrawals. Such in-
 25 vestments may be made only in interest-bearing obliga-

1 tions of the United States or in obligations guaranteed as
 2 to both principal and interest by the United States. The
 3 Secretary of the Treasury shall deposit interest resulting
 4 from such investments into the Fund.

5 (d) PAYMENT OF INTEREST TO TRIBE.—

6 (1) IN GENERAL.—

7 (A) WITHDRAWAL OF INTEREST.—Begin-
 8 ning at the end of the first fiscal year in which
 9 interest is deposited into the Fund, the Sec-
 10 retary of the Treasury shall withdraw the appli-
 11 cable percentage amount of the aggregate
 12 amount of interest deposited into the Fund for
 13 that fiscal year (as determined under subpara-
 14 graph (B)) and transfer that amount to the
 15 Secretary of the Interior for use in accordance
 16 with paragraph (2). Each amount so trans-
 17 ferred shall be available without fiscal year limi-
 18 tation.

19 (B) APPLICABLE PERCENTAGE
 20 AMOUNTS.—The applicable percentage amount
 21 referred to in subparagraph (A) shall be as fol-
 22 lows:

23 (i) 10 percent for the first fiscal year
 24 for which interest is deposited into the
 25 Fund.

1 (ii) 20 percent for the 2d such fiscal
2 year.

3 (iii) 30 percent for the 3rd such fiscal
4 year.

5 (iv) 40 percent for the 4th such fiscal
6 year.

7 (v) 50 percent for the 5th such fiscal
8 year.

9 (vi) 60 percent for the 6th such fiscal
10 year.

11 (vii) 70 percent for the 7th such fiscal
12 year.

13 (viii) 80 percent for the 8th such fis-
14 eal year.

15 (ix) 90 percent for the 9th such fiscal
16 year.

17 (x) 100 percent for the 10th such fis-
18 eal year; and for each such fiscal year
19 thereafter.

20 (2) PAYMENTS TO TRIBE.—

21 (A) IN GENERAL.—The Secretary of the
22 Interior shall use the amounts transferred
23 under paragraph (1) only for the purpose of
24 making payments to the Tribe, as such pay-

ments are requested by the Tribe pursuant to tribal resolution.

~~(B) LIMITATION.~~—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Tribe has adopted a plan under subsection (f).

~~(C) USE OF PAYMENTS BY TRIBE.~~—The Tribe shall use the payments made under subparagraph (B) only for carrying out projects and programs under the plan prepared under subsection (f).

~~(D) PLEDGE OF FUTURE PAYMENTS.~~—

~~(i) IN GENERAL.~~—Subject to clause (ii), the Tribe may enter into an agreement under which the Tribe pledges future payments under this paragraph as security for a loan or other financial transaction.

~~(ii) LIMITATIONS.~~—The Tribe—

~~(I)~~ may enter into an agreement under clause (i) only in connection with the purchase of land or other capital assets; and

~~(II)~~ may not pledge, for any year under an agreement referred to in clause (i), an amount greater than 40

1 percent of any payment under this
2 paragraph for that year.

3 ~~(c) TRANSFERS AND WITHDRAWALS.—~~Except as
4 provided in subsections ~~(c)~~ and ~~(d)(1)~~, the Secretary of
5 the Treasury may not transfer or withdraw any amount
6 deposited under subsection ~~(b)~~.

7 ~~(f) PLAN.—~~

8 ~~(1) IN GENERAL.—~~Not later than 18 months
9 after the date of enactment of this Act, the gov-
10 erning body of the Tribe shall prepare a plan for the
11 use of the payments to the Tribe under subsection
12 ~~(d)~~ (referred to in this subsection as the “plan”).

13 ~~(2) CONTENTS OF PLAN.—~~The plan shall pro-
14 vide for the manner in which the Tribe shall expend
15 payments to the Tribe under subsection ~~(d)~~ to
16 promote—

17 ~~(A)~~ economic development;

18 ~~(B)~~ infrastructure development;

19 ~~(C)~~ the educational, health, recreational,
20 and social welfare objectives of the Tribe and
21 its members; or

22 ~~(D)~~ any combination of the activities de-
23 scribed in subparagraphs ~~(A)~~ through ~~(C)~~.

24 ~~(3) PLAN REVIEW AND REVISION.—~~

1 (A) IN GENERAL.—The Tribal Council
 2 shall make available for review and comment by
 3 the members of the Tribe a copy of the plan be-
 4 fore the plan becomes final, in accordance with
 5 procedures established by the Tribal Council.

6 (B) UPDATING OF PLAN.—The Tribal
 7 Council may, on an annual basis, revise the
 8 plan to update the plan. In revising the plan
 9 under this subparagraph, the Tribal Council
 10 shall provide the members of the Tribe oppor-
 11 tunity to review and comment on any proposed
 12 revision to the plan.

13 (C) CONSULTATION.—In preparing the
 14 plan and any revisions to update the plan, the
 15 Tribal Council shall consult with the Secretary
 16 of the Interior and the Secretary of Health and
 17 Human Services.

18 (4) AUDIT.—

19 (A) IN GENERAL.—The activities of the
 20 Tribe in carrying out the plan shall be audited
 21 as part of the annual single-agency audit that
 22 the Tribe is required to prepare pursuant to the
 23 Office of Management and Budget circular
 24 numbered A-133.

1 ~~(B) DETERMINATION BY AUDITORS.—~~The
 2 auditors that conduct the audit described in
 3 subparagraph ~~(A)~~ shall—

4 (i) determine whether funds received
 5 by the Tribe under this section for the pe-
 6 riod covered by the audit were expended to
 7 carry out the plan in a manner consistent
 8 with this section; and

9 (ii) include in the written findings of
 10 the audit the determination made under
 11 clause (i);

12 ~~(C) INCLUSION OF FINDINGS WITH PUBLI-~~
 13 ~~CATION OF PROCEEDINGS OF TRIBAL COUN-~~
 14 ~~CIL.—~~A copy of the written findings of the
 15 audit described in subparagraph ~~(A)~~ shall be in-
 16 serted in the published minutes of the Tribal
 17 Council proceedings for the session at which the
 18 audit is presented to the Tribal Council.

19 ~~(g) PROHIBITION ON PER CAPITA PAYMENTS.—~~No
 20 portion of any payment made under this Act may be dis-
 21 tributed to any member of the Tribe on a per capita basis.

1 **SEC. 5. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS**
 2 **AND SERVICES.**

3 No payment made to the Tribe under this Act shall
 4 result in the reduction or denial of any service or program
 5 with respect to which, under Federal law—

6 (1) the Tribe is otherwise entitled because of
 7 the status of the Tribe as a federally recognized In-
 8 dian tribe; or

9 (2) any individual who is a member of the Tribe
 10 is entitled because of the status of the individual as
 11 a member of the Tribe.

12 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

13 There are authorized to be appropriated such funds
 14 as may be necessary to carry out this Act, including such
 15 funds as may be necessary to cover the administrative ex-
 16 penses of the Fund.

17 **TITLE I—CHEYENNE RIVER**
 18 **SIoux TRIBE EQUITABLE**
 19 **COMPENSATION**

20 **SEC. 101. SHORT TITLE.**

21 *This title may be cited as the “Cheyenne River Sioux*
 22 *Tribe Equitable Compensation Act”.*

23 **SEC. 102. FINDINGS AND PURPOSES.**

24 (a) *FINDINGS.*—Congress finds that—

25 (1) *by enacting the Act of December 22, 1944,*
 26 *(58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.),*

1 *commonly known as the “Flood Control Act of 1944”,*
2 *Congress approved the Pick-Sloan Missouri River*
3 *Basin program (referred to in this section as the*
4 *“Pick-Sloan program”)—*

5 *(A) to promote the general economic devel-*
6 *opment of the United States;*

7 *(B) to provide for irrigation above Sioux*
8 *City, Iowa;*

9 *(C) to protect urban and rural areas from*
10 *devastating floods of the Missouri River; and*

11 *(D) for other purposes;*

12 *(2) the Oahe Dam and Reservoir project—*

13 *(A) is a major component of the Pick-Sloan*
14 *program, and contributes to the economy of the*
15 *United States by generating a substantial*
16 *amount of hydropower and impounding a sub-*
17 *stantial quantity of water;*

18 *(B) overlies the eastern boundary of the*
19 *Cheyenne River Sioux Indian Reservation; and*

20 *(C) has not only contributed little to the*
21 *economy of the Tribe, but has severely damaged*
22 *the economy of the Tribe and members of the*
23 *Tribe by inundating the fertile, wooded bottom*
24 *lands of the Tribe along the Missouri River that*
25 *constituted the most productive agricultural and*

1 *pastoral lands of the Tribe and the homeland of*
2 *the members of the Tribe;*

3 *(3) the Secretary of the Interior appointed a*
4 *Joint Tribal Advisory Committee that examined the*
5 *Oahe Dam and Reservoir project and concluded*
6 *that—*

7 *(A) the Federal Government did not justify,*
8 *or fairly compensate the Tribe for, the Oahe*
9 *Dam and Reservoir project when the Federal*
10 *Government acquired 104,492 acres of land of*
11 *the Tribe for that project; and*

12 *(B) the Tribe should be adequately com-*
13 *pensated for the land acquisition described in*
14 *subparagraph (A);*

15 *(4) after applying the same method of analysis*
16 *as is used for the compensation of similarly situated*
17 *Indian tribes, the Comptroller General of the United*
18 *States (referred to in this title as the “Comptroller*
19 *General”) determined that the appropriate amount of*
20 *compensation to pay the Tribe for the land acquisi-*
21 *tion described in paragraph (3)(A) would be*
22 *\$290,723,000;*

23 *(5) the Tribe is entitled to receive additional fi-*
24 *nancial compensation for the land acquisition de-*
25 *scribed in paragraph (3)(A) in a manner consistent*

1 *with the determination of the Comptroller General de-*
 2 *scribed in paragraph (4); and*

3 *(6) the establishment of a trust fund to make*
 4 *amounts available to the Tribe under this title is con-*
 5 *sistent with the principles of self-governance and self-*
 6 *determination.*

7 *(b) PURPOSES.—The purposes of this title are as fol-*
 8 *lows:*

9 *(1) To provide for additional financial com-*
 10 *pensation to the Tribe for the acquisition by the Fed-*
 11 *eral Government of 104,492 acres of land of the Tribe*
 12 *for the Oahe Dam and Reservoir project in a manner*
 13 *consistent with the determinations of the Comptroller*
 14 *General described in subsection (a)(4).*

15 *(2) To provide for the establishment of the Chey-*
 16 *enne River Sioux Tribal Recovery Trust Fund, to be*
 17 *managed by the Secretary of the Treasury in order to*
 18 *make payments to the Tribe to carry out projects*
 19 *under a plan prepared by the Tribe.*

20 **SEC. 103. DEFINITIONS.**

21 *In this title:*

22 *(1) TRIBE.—The term “Tribe” means the Chey-*
 23 *enne River Sioux Tribe, which is comprised of the*
 24 *Itazipco, Siha Sapa, Minniconjou, and Oohenumpa*
 25 *bands of the Great Sioux Nation that reside on the*

1 *Cheyenne River Reservation, located in central South*
 2 *Dakota.*

3 (2) *TRIBAL COUNCIL.*—*The term “Tribal Coun-*
 4 *cil” means the governing body of the Tribe.*

5 **SEC. 104. CHEYENNE RIVER SIOUX TRIBAL RECOVERY**
 6 **TRUST FUND.**

7 (a) *CHEYENNE RIVER SIOUX TRIBAL RECOVERY*
 8 *TRUST FUND.*—*There is established in the Treasury of the*
 9 *United States a fund to be known as the “Cheyenne River*
 10 *Sioux Tribal Recovery Trust Fund” (referred to in this title*
 11 *as the “Fund”). The Fund shall consist of any amounts*
 12 *deposited into the Fund under this title.*

13 (b) *FUNDING.*—*On the first day of the 11th fiscal year*
 14 *that begins after the date of enactment of this Act, the Sec-*
 15 *retary of the Treasury shall, from the General Fund of the*
 16 *Treasury, deposit into the Fund established under sub-*
 17 *section (a)—*

18 (1) *\$290,722,958; and*

19 (2) *an additional amount that equals the*
 20 *amount of interest that would have accrued on the*
 21 *amount described in paragraph (1) if such amount*
 22 *had been invested in interest-bearing obligations of*
 23 *the United States, or in obligations guaranteed as to*
 24 *both principal and interest by the United States, on*
 25 *the first day of the first fiscal year that begins after*

1 *the date of enactment of this Act and compounded*
 2 *annually thereafter.*

3 (c) *INVESTMENT OF TRUST FUND.—It shall be the*
 4 *duty of the Secretary of the Treasury to invest such portion*
 5 *of the Fund as is not, in the Secretary of Treasury’s judg-*
 6 *ment, required to meet current withdrawals. Such invest-*
 7 *ments may be made only in interest-bearing obligations of*
 8 *the United States or in obligations guaranteed as to both*
 9 *principal and interest by the United States. The Secretary*
 10 *of the Treasury shall deposit interest resulting from such*
 11 *investments into the Fund.*

12 (d) *PAYMENT OF INTEREST TO TRIBE.—*

13 (1) *WITHDRAWAL OF INTEREST.—Beginning on*
 14 *the first day of the 11th fiscal year after the date of*
 15 *enactment of this Act and, on the first day of each*
 16 *fiscal year thereafter, the Secretary of the Treasury*
 17 *shall withdraw the aggregate amount of interest de-*
 18 *posited into the Fund for that fiscal year and transfer*
 19 *that amount to the Secretary of the Interior for use*
 20 *in accordance with paragraph (2). Each amount so*
 21 *transferred shall be available without fiscal year limi-*
 22 *tation.*

23 (2) *PAYMENTS TO TRIBE.—*

24 (A) *IN GENERAL.—The Secretary of the In-*
 25 *terior shall use the amounts transferred under*

1 *paragraph (1) only for the purpose of making*
 2 *payments to the Tribe, as such payments are re-*
 3 *quested by the Tribe pursuant to tribal resolu-*
 4 *tion.*

5 *(B) LIMITATION.—Payments may be made*
 6 *by the Secretary of the Interior under subpara-*
 7 *graph (A) only after the Tribe has adopted a*
 8 *plan under subsection (f).*

9 *(C) USE OF PAYMENTS BY TRIBE.—The*
 10 *Tribe shall use the payments made under sub-*
 11 *paragraph (B) only for carrying out projects*
 12 *and programs under the plan prepared under*
 13 *subsection (f).*

14 *(e) TRANSFERS AND WITHDRAWALS.—Except as pro-*
 15 *vided in subsections (c) and (d)(1), the Secretary of the*
 16 *Treasury may not transfer or withdraw any amount depos-*
 17 *ited under subsection (b).*

18 *(f) PLAN.—*

19 *(1) IN GENERAL.—Not later than 18 months*
 20 *after the date of enactment of this Act, the governing*
 21 *body of the Tribe shall prepare a plan for the use of*
 22 *the payments to the Tribe under subsection (d) (re-*
 23 *ferred to in this subsection as the “plan”).*

1 (2) *CONTENTS OF PLAN.*—*The plan shall provide*
 2 *for the manner in which the Tribe shall expend pay-*
 3 *ments to the Tribe under subsection (d) to promote—*

4 *(A) economic development;*

5 *(B) infrastructure development;*

6 *(C) the educational, health, recreational,*
 7 *and social welfare objectives of the Tribe and its*
 8 *members; or*

9 *(D) any combination of the activities de-*
 10 *scribed in subparagraphs (A) through (C).*

11 (3) *PLAN REVIEW AND REVISION.*—

12 *(A) IN GENERAL.*—*The Tribal Council shall*
 13 *make available for review and comment by the*
 14 *members of the Tribe a copy of the plan before*
 15 *the plan becomes final, in accordance with proce-*
 16 *dures established by the Tribal Council.*

17 *(B) UPDATING OF PLAN.*—*The Tribal Coun-*
 18 *cil may, on an annual basis, revise the plan to*
 19 *update the plan. In revising the plan under this*
 20 *subparagraph, the Tribal Council shall provide*
 21 *the members of the Tribe opportunity to review*
 22 *and comment on any proposed revision to the*
 23 *plan.*

24 *(C) CONSULTATION.*—*In preparing the plan*
 25 *and any revisions to update the plan, the Tribal*

1 *Council shall consult with the Secretary of the*
 2 *Interior and the Secretary of Health and*
 3 *Human Services.*

4 *(4) AUDIT.—*

5 *(A) IN GENERAL.—The activities of the*
 6 *Tribe in carrying out the plan shall be audited*
 7 *as part of the annual single-agency audit that*
 8 *the Tribe is required to prepare pursuant to the*
 9 *Office of Management and Budget circular num-*
 10 *bered A-133.*

11 *(B) DETERMINATION BY AUDITORS.—The*
 12 *auditors that conduct the audit described in sub-*
 13 *paragraph (A) shall—*

14 *(i) determine whether funds received by*
 15 *the Tribe under this section for the period*
 16 *covered by the audit were expended to carry*
 17 *out the plan in a manner consistent with*
 18 *this section; and*

19 *(ii) include in the written findings of*
 20 *the audit the determination made under*
 21 *clause (i).*

22 *(C) INCLUSION OF FINDINGS WITH PUBLICA-*
 23 *TION OF PROCEEDINGS OF TRIBAL COUNCIL.—A*
 24 *copy of the written findings of the audit de-*
 25 *scribed in subparagraph (A) shall be inserted in*

1 *the published minutes of the Tribal Council pro-*
 2 *ceedings for the session at which the audit is pre-*
 3 *sented to the Tribal Council.*

4 *(g) PROHIBITION ON PER CAPITA PAYMENTS.—No*
 5 *portion of any payment made under this title may be dis-*
 6 *tributed to any member of the Tribe on a per capita basis.*

7 **SEC. 105. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS**
 8 **AND SERVICES.**

9 *No payment made to the Tribe under this title shall*
 10 *result in the reduction or denial of any service or program*
 11 *with respect to which, under Federal law—*

12 *(1) the Tribe is otherwise entitled because of the*
 13 *status of the Tribe as a federally recognized Indian*
 14 *tribe; or*

15 *(2) any individual who is a member of the Tribe*
 16 *is entitled because of the status of the individual as*
 17 *a member of the Tribe.*

18 **SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

19 *There are authorized to be appropriated such funds as*
 20 *may be necessary to cover the administrative expenses of*
 21 *the Fund.*

22 **SEC. 107. EXTINGUISHMENT OF CLAIMS.**

23 *Upon the deposit of funds (together with interest) into*
 24 *the Fund under section 104(b), all monetary claims that*
 25 *the Tribe has or may have against the United States for*

1 *the taking, by the United States, of the land and property*
 2 *of the Tribe for the Oahe Dam and Reservoir Project of the*
 3 *Pick-Sloan Missouri River Basin program shall be extin-*
 4 *guished.*

5 ***TITLE II—BOSQUE REDONDO***
 6 ***MEMORIAL***

7 ***SEC. 201. SHORT TITLE.***

8 *This title may be cited as the “Bosque Redondo Memo-*
 9 *rial Act”.*

10 ***SEC. 202. FINDINGS AND PURPOSES.***

11 *(a) FINDINGS.—Congress finds that—*

12 *(1) in 1863, the United States detained nearly*
 13 *9,000 Navajo and forced their migration across near-*
 14 *ly 350 miles of land to Bosque Redondo, a journey*
 15 *known as the “Long Walk”;*

16 *(2) Mescalero Apache people were also incarcer-*
 17 *ated at Bosque Redondo;*

18 *(3) the Navajo and Mescalero Apache people la-*
 19 *bored to plant crops, dig irrigation ditches and build*
 20 *housing, but drought, cutworms, hail, and alkaline*
 21 *Pecos River water created severe living conditions for*
 22 *nearly 9,000 captives;*

23 *(4) suffering and hardships endured by the Nav-*
 24 *ajo and Mescalero Apache people forged a new under-*
 25 *standing of their strengths as Americans;*

1 (5) *the Treaty of 1868 was signed by the United*
2 *States and the Navajo tribes, recognizing the Navajo*
3 *Nation as it exists today;*

4 (6) *the State of New Mexico has appropriated a*
5 *total of \$123,000 for a planning study and for the de-*
6 *sign of the Bosque Redondo Memorial;*

7 (7) *individuals and businesses in DeBaca Coun-*
8 *ty donated \$6,000 toward the production of a bro-*
9 *chure relating to the Bosque Redondo Memorial;*

10 (8) *the Village of Fort Sumner donated 70 acres*
11 *of land to the State of New Mexico contiguous to the*
12 *existing 50 acres comprising Fort Sumner State*
13 *Monument, contingent on the funding of the Bosque*
14 *Redondo Memorial;*

15 (9) *full architectural plans and the exhibit de-*
16 *sign for the Bosque Redondo Memorial have been com-*
17 *pleted;*

18 (10) *the Bosque Redondo Memorial project has*
19 *the encouragement of the President of the Navajo Na-*
20 *tion and the President of the Mescalero Apache Tribe,*
21 *who have each appointed tribal members to serve as*
22 *project advisors;*

23 (11) *the Navajo Nation, the Mescalero Tribe and*
24 *the National Park Service are collaborating to develop*
25 *a symposium on the Bosque Redondo Long Walk and*

1 *a curriculum for inclusion in the New Mexico school*
 2 *curricula;*

3 *(12) an interpretive center would provide impor-*
 4 *tant educational and enrichment opportunities for all*
 5 *Americans; and*

6 *(13) Federal financial assistance is needed for*
 7 *the construction of a Bosque Redondo Memorial.*

8 *(b) PURPOSES.—The purposes of this title are as fol-*
 9 *lows:*

10 *(1) To commemorate the people who were in-*
 11 *terned at Bosque Redondo.*

12 *(2) To pay tribute to the native populations'*
 13 *ability to rebound from suffering, and establish the*
 14 *strong, living communities that have long been a*
 15 *major influence in the State of New Mexico and in*
 16 *the United States.*

17 *(3) To provide Americans of all ages a place to*
 18 *learn about the Bosque Redondo experience and how*
 19 *it resulted in the establishment of strong American*
 20 *Indian Nations from once divergent bands.*

21 *(4) To support the construction of the Bosque*
 22 *Redondo Memorial commemorating the detention of*
 23 *the Navajo and Mescalero Apache people at Bosque*
 24 *Redondo from 1863 to 1868.*

1 **SEC. 203. DEFINITIONS.**

2 *In this title:*

3 (1) *MEMORIAL.*—*The term “Memorial” means*
 4 *the building and grounds known as the Bosque Re-*
 5 *dondo Memorial.*

6 (2) *SECRETARY.*—*The term “Secretary” means*
 7 *the Secretary of Defense.*

8 **SEC. 204. BOSQUE REDONDO MEMORIAL**

9 (a) *ESTABLISHMENT.*—*Upon the request of the State*
 10 *of New Mexico, the Secretary is authorized to establish a*
 11 *Bosque Redondo Memorial within the boundaries of Fort*
 12 *Sumner State Monument in New Mexico. No memorial*
 13 *shall be established without the consent of the Navajo Nation*
 14 *and the Mescalero Tribe.*

15 (b) *COMPONENTS OF THE MEMORIAL.*—*The memorial*
 16 *shall include—*

17 (1) *exhibit space, a lobby area that represents de-*
 18 *sign elements from traditional Mescalero and Navajo*
 19 *dwellings, administrative areas that include a re-*
 20 *source room, library, workrooms and offices, rest-*
 21 *rooms, parking areas, sidewalks, utilities, and other*
 22 *visitor facilities;*

23 (2) *a venue for public education programs; and*

24 (3) *a location to commemorate the Long Walk of*
 25 *the Navajo people and the healing that has taken*
 26 *place since that event*

1 **SEC. 205. CONSTRUCTION OF MEMORIAL.**

2 (a) *GRANT.*—

3 (1) *IN GENERAL.*—*The Secretary may award a*
 4 *grant to the State of New Mexico to provide up to 50*
 5 *percent of the total cost of construction of the Memo-*
 6 *rial.*

7 (2) *NON-FEDERAL SHARE.*—*The non-Federal*
 8 *share of construction costs for the Memorial shall in-*
 9 *clude funds previously expended by the State for the*
 10 *planning and design of the Memorial, and funds pre-*
 11 *viously expended by non-Federal entities for the pro-*
 12 *duction of a brochure relating to the Memorial.*

13 (b) *REQUIREMENTS.*—*To be eligible to receive a grant*
 14 *under this section, the State shall—*

15 (1) *submit to the Secretary a proposal that—*

16 (A) *provides assurances that the Memorial*
 17 *will comply with all applicable laws, including*
 18 *building codes and regulations; and*

19 (B) *includes such other information and as-*
 20 *surances as the Secretary may require; and*

21 (2) *enter into a Memorandum of Understanding*
 22 *with the Secretary that shall include—*

23 (A) *a timetable for the completion of con-*
 24 *struction and the opening of the Memorial;*

25 (B) *assurances that construction contracts*
 26 *will be competitively awarded;*

1 (C) assurances that the State or Village of
2 Fort Sumner will make sufficient land available
3 for the Memorial;

4 (D) the specifications of the Memorial which
5 shall comply with all applicable Federal, State,
6 and local building codes and laws;

7 (E) arrangements for the operation and
8 maintenance of the Memorial upon completion of
9 construction;

10 (F) a description of Memorial collections
11 and educational programming;

12 (G) a plan for the design of exhibits includ-
13 ing the collections to be exhibited, security, pres-
14 ervation, protection, environmental controls, and
15 presentations in accordance with professional
16 standards;

17 (H) an agreement with the Navajo Nation
18 and the Mescalero Tribe relative to the design
19 and location of the Memorial; and

20 (I) a financing plan developed by the State
21 that outlines the long-term management of the
22 Memorial, including—

23 (i) the acceptance and use of funds de-
24 rived from public and private sources to

1 *minimize the use of appropriated or bor-*
 2 *rowed funds;*

3 *(ii) the payment of the operating costs*
 4 *of the Memorial through the assessment of*
 5 *fees or other income generated by the Memo-*
 6 *rial;*

7 *(iii) a strategy for achieving financial*
 8 *self-sufficiency with respect to the Memorial*
 9 *by not later than 5 years after the date of*
 10 *enactment of this Act; and*

11 *(iv) a description of the business ac-*
 12 *tivities that would be permitted at the Me-*
 13 *morial and appropriate vendor standards*
 14 *that would apply.*

15 **SEC. 206. AUTHORIZATION OF APPROPRIATIONS.**

16 *(a) IN GENERAL.—There are authorized to be appro-*
 17 *priated to carry out this title—*

18 *(1) \$1,000,000 for fiscal year 2000; and*

19 *(2) \$500,000 for each of fiscal years 2001 and*
 20 *2002.*

21 *(b) CARRYOVER.—Any funds made available under*
 22 *this section that are unexpended at the end of the fiscal*
 23 *year for which those funds are appropriated, shall remain*
 24 *available for use by the Secretary through September 30,*

- 1 *2002 for the purposes for which those funds were made*
- 2 *available.*